

Central Intelligence Agency



Washington, D.C. 20505

22 SEP 1987

OCA 87-3847

The Honorable Henry J. Hyde
Ranking Minority Member
Permanent Select Committee on Intelligence
House of Representatives
Washington, DC 20515-6415

Dear Mr. Hyde:

I write to provide you the views of the Director of Central Intelligence on the Senate and House versions of the "Intelligence Authorization Act for Fiscal Year 1988," S. 1243 and H.R. 2112, respectively.

There are a number of provisions in both bills which were contained in the Administration's draft version of this legislation as transmitted to the Congress and referred to both intelligence committees. We strongly support these provisions. They include the provision in Section 501 of both bills to increase the allowance available for the purchase of uniforms by certain Defense Intelligence Agency (DIA) personnel stationed overseas. Also included in this group are Sections 502 and 503 which extend the special termination authorities granted to the Secretary of Defense with respect to Department of Defense (DoD) intelligence personnel.

Section 504 of the Senate bill, also stemming from a provision in the Administration bill, would extend to DIA the nondisclosure authorities enjoyed by other entities in the Intelligence Communities. The House bill does not contain a similar provision. We believe this provision is an important complement to DIA's statutory authorities and thus commend it to the conferees.

Although not included in the Administration's bill, both the Agency and the Community strongly support Section 102 (b) of the House bill excluding DIA personnel from the otherwise automatic reductions-in-force provisions. We appreciate the House's efforts in this area and commend the provision to the conferees.



Section 601 of the House bill would create a Presidential "Commission on Intelligence Personnel Systems" to review Intelligence Community personnel systems and make legislative recommendations. We do not believe the creation of such a commission to be necessary and thus cannot support Section 601 in its present form. Should the conferees determine that some study of intelligence personnel systems is required, however, we would suggest that the proposal be modified so as to establish the actual study body at a lower, less formal level and in a way which provides, in recognition of separation of powers requirements, appointment exclusively by either the Executive or the Legislative Branch. Finally, we would suggest that the timeframe for the study be shortened.

We were disappointed that action had to be taken to remove from the Senate bill the provision extending to employees of DIA and the National Security Agency (NSA) certain tax benefits already enjoyed by other U. S. Government employees, including intelligence personnel, working overseas. We look forward to working with the committees at some appropriate point in the future to obtain its reconsideration.

Title IV of the House bill would extend to those former spouses of Agency employees divorced prior to 1982 the benefits extended by previous legislative action to those divorced after that date. As you know, the position of the Administration is that this title should be amended to conform to standards used for similarly-situated persons under the Civil Service Retirement System, i.e., that they not be remarried, be at least fifty years of age and have no other source of income. Should the conferees determine to adopt the House proposal, the Agency would appreciate the opportunity to work with staff, prior to final conference action, to make certain technical corrections to the proposal. These are necessary to give full effect to the proposal's intent while, at the same time, insuring that it has no unintended effects.

With respect to Section 402 of the Senate bill concerning FBI New York Field Division Compensation, I understand that the Administration is opposed to this provision and may communicate to the Committee separately on it.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

We thank you for the opportunity to comment on this important piece of legislation. A similar letter is being sent to Chairman Stokes as well as to the Senate Select Committee on Intelligence.

Sincerely,

[Handwritten signature]

Robert M. Gates
Acting Director of Central Intelligence

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